

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF OHIO  
EASTERN DIVISION**

**Amon-Ra E Dobbins,**

**Plaintiff,**

**Case No. 2:21-cv-1004**

**v.**

**Judge Michael H. Watson**

**Groveport Madison Local School District  
*By and through the Groveport  
Madison Board of Education, et al.,***

**Magistrate Judge Deavers**

**Defendants.**

**OPINION AND ORDER**

The parties filed a Stipulated Dismissal pursuant to Federal Rule of Civil Procedure 41(a)(1)(A)(ii) seeking to dismiss without prejudice all of Plaintiff's claims against Defendant Ogden, one of two defendants in this case. Stipulation of Dismissal, ECF No. 23. Rule 41 was not the proper vehicle to accomplish the parties' task, however. Rule 41 is an avenue for dismissing an *action*, Fed. R. Civ. P. 41; it is not the proper vehicle for dismissing less than all claims against all defendants.

Rather, the United States Court of Appeals for the Sixth Circuit has suggested "that dismissal of a party, rather than of an entire action, is more proper pursuant to Rule 21." *AmSouth Bank v. Dale*, 386 F.3d 763, 778 (6th Cir. 2004) (citing *Letherer v. Alger Group, L.L.C.*, 328 F.3d 262, 265–66 (6th Cir.

2003), *recognized as overruled on other grounds in Blackburn v. Oaktree Capital Mgmt., LLC*, 511 F.3d 633, 636 (6th Cir. 2008)); *see also Philip Carey Mfg. Co. v. Taylor*, 286 F.2d 782, 785 (6th Cir. 1961) (“Rule 41(a)(1) provides for the voluntary dismissal of an ‘action’ not a ‘claim’ . . . . [Rule 21] is the one under which any action to eliminate [individual defendants] should be taken.”); *see also Miller v. Experian Info. Solutions, Inc.*, No. 3:13-cv-90, 2014 WL 7330744, at \*1 (S.D. Ohio, July 17, 2014) (construing a Rule 41(a) stipulated voluntary dismissal of less than all defendants “as two joint, unopposed motions to dismiss pursuant to Fed. R. Civ. P. 21”). Rule 21 permits the Court, “[o]n motion or on its own, . . . on just terms, [to] add or drop a party.” Fed. R. Civ. P. 21. Thus, as Plaintiff seeks to dismiss all of his claims against Ogden, the more appropriate course is to move pursuant to Rule 21 to drop Ogden as a party.

For the foregoing reasons, the Court construes the Stipulated Dismissal as a motion to drop Ogden without prejudice pursuant to Rule 21, **GRANTS** the same, and terminates Ogden as a party in this suit.

**IT IS SO ORDERED.**

/s/ Michael H. Watson  
**MICHAEL H. WATSON, JUDGE**  
**UNITED STATES DISTRICT COURT**